

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

MIRNA MARTINEZ, INDIVIDUALLY, A/N/F	§	
M.M. A MINOR	§	
	§	CIVIL ACTION NO. 7:24-cv-00364
v.	§	
	§	
WAL-MART STORES TEXAS, LLC	§	JURY DEMANDED

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §§ 1332 and 1441(DIVERSITY)

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW WAL-MART STORES TEXAS, LLC, Defendant in the above entitled and numbered cause, and files this Notice of Removal of the present cause from the County Court at Law No. 4 of Hidalgo County, Texas, in which it is now pending, to the United States District Court for the Southern District of Texas, McAllen Division, showing the Court in support as follows:

1. This cause was commenced in the County Court at Law No. 4 of Hidalgo County, Texas, on July 24, 2024, when Plaintiffs' Original Petition was filed in Cause No. C-24-3189-D, wherein Plaintiffs named WAL-MART STORES TEXAS, LLC, as the sole Defendant. A copy of Plaintiffs' Original Petition is attached hereto and incorporated herein for all purposes.

2. Defendant WAL-MART STORES TEXAS, LLC (hereinafter "Defendant") was served with a copy of Plaintiffs' Original Petition on August 5, 2024. A copy of the Citation indicating date of service is attached hereto and incorporated herein for all purposes.

3. Plaintiffs filed this civil action against Defendant asserting premises liability and negligence claims allegedly arising from an alleged incident which is claimed to have occurred on July 5, 2024, while Plaintiffs were at Defendant's premises located on 1705 Expressway 83 in

Penitas, Hidalgo County, Texas. Pls.' Orig. Pet. at ¶5.01.

4. Defendant filed a responsive pleading in State Court on August 23, 2024, a copy of which is attached hereto and incorporated herein for all purposes.

5. Plaintiffs are individuals residing in Hidalgo County in the State of Texas. *Id.* at ¶3.01 and ¶3.02. Plaintiffs were at the time of the filing of this lawsuit, and remain, citizens of the State of Texas.

6. Defendant is not a citizen of the State of Texas. WAL-MART STORES TEXAS, LLC is a citizen of the States of Delaware and Arkansas.

7. WAL-MART STORES TEXAS, LLC was at the time of the filing of Plaintiffs' Original Petition and is at the time of filing of this Notice of Removal, a limited liability company existing under the laws of the State of Delaware with its principal office and residence in Bentonville, Arkansas.

8. WAL-MART STORES TEXAS, LLC has one member, Wal-Mart Real Estate Business Trust. Wal-Mart Real Estate Business Trust is not a citizen of the State of Texas. Wal-Mart Real Estate Business Trust was, at the time of the filing of Plaintiff's Original Petition, and is at the time of filing of this Notice of Removal, a Delaware Statutory Trust with its principal office and residence in Bentonville, Arkansas. The sole shareholder of Wal-Mart Real Estate Business Trust is Wal-Mart Property Co.

9. Wal-Mart Property Co. is not a citizen of the State of Texas. Wal-Mart Property Co. was, at the time of the filing of Plaintiffs' Original Petition and is at the time of filing of this Notice of Removal, a corporation organized and existing under the laws of the State of Delaware with its principal office and residence in Bentonville, Arkansas.

10. Complete diversity of citizenship exists between the adverse parties in the present cause for the purposes of federal removal jurisdiction pursuant to 28 U.S.C. §1441.

11. Plaintiffs claim in their Original Petition that they are “seeking monetary relief of at least \$250,000.00 but not more than \$750,000.00.” Pls.’ Orig. Pet. at ¶2.01. Therefore, the amount in controversy herein exceeds \$75,000.00, exclusive of interest and costs.

12. This lawsuit is one over which this Court has original jurisdiction under the provisions of Title 28, United States Code §§ 1332 and 1441(a) in that it is a civil action between completely diverse parties and that amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

13. This Notice of Removal is timely filed in accordance with 28 U.S.C. §1446(b), in that it is filed within thirty (30) days of the service of Plaintiffs’ Original Petition on Defendant and within one year of the initial filing of the lawsuit.

14. Upon filing of this Notice of Removal of this cause, written notice of the filing by Defendant to Plaintiffs has been provided as required by law. A copy of this Notice is also being filed with the Clerk of the State Court in which this cause was originally filed.

15. Defendant hereby requests a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant prays for removal of the above entitled and numbered cause from the County Court at Law No. 4 of Hidalgo County, Texas to this Honorable Court.

Respectfully submitted,

COLVIN, SAENZ, RODRIGUEZ & KENNAMER L.L.P.

By: /s/Jaime A. Saenz

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon all counsel of record on this the 4th day of September 2024. Notice of this filing will be sent electronically to all known counsel of record.

/s/Jaime A. Saenz

JAIME A. SAENZ